

MINUTES
BURGLAR ALARM BOARD
September 1, 2004 - 9:00 A.M.
Room 4B - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:00 A.M.

ADJOURNED: 2:16 P.M.

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary
Board Members:
Erick Spotten Duff Astin
Larry Love Harold Weight
Glenn Hixenbaugh

ABSENT:

None

GUESTS:

Craig Jackson, Division Director.

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE:

Minutes:

The minutes of the July 7, 2004 board meeting were approved as written.

APPOINTMENTS and NEW APPLICATIONS received since July 7, 2004 board meeting:

9:00 A.M. .

Tony Eatchel, Experior

Mr. Eatchel met with the Board to present some additional items for the Burglar Alarm Qualifying Agent exam for their review. A motion was made by Mr. Weight and seconded by Mr. Hixenbaugh to go to a closed meeting due to the privileged information on the exams. The motion carried unanimously.

A motion was made by Mr. Weight and seconded by Mr. Astin to come out of closed session. The motion carried unanimously.

10:00 A.M.

Miranda Meenderink

Ms. Meenderink met with the Board for her probation interview. A positive quarterly "Employer Report" was received from her supervisor, Rob Dyer, at Mountain Alarm. The Board determined she is in compliance with her Memorandum of Understanding (MOU). They stated she wouldn't be required to meet with them again until the May 4, 2005 meeting, at 10:00 A.M., if she continues to send in the required quarterly "Employer Reports". If she fails to submit an "Employer Report" on a quarterly basis, she will be scheduled to meet with the Board at the next scheduled board meeting. If she remains in compliance with her MOU the Board will consider releasing her early at the May meeting.

10:10 A.M.
Thomas Evans

Mr. Evans met with the Board to review his application for the renewal of his burglar alarm agent license. On the renewal form Mr. Evans had certified by his signature that he had not been convicted of, pled not contest to, or had a plea held in abeyance since the last renewal of his license.

Documents obtained from the South Ogden Justice Court show that he was charged with Disorderly Conduct, a Misdemeanor C, on March 25, 2003. The Board asked him to explain the circumstances of the charge, which he did. A motion was made by Mr. Weight and seconded by Mr. Astin to approve the renewal of his license. The motion carried unanimously.

10:20 A.M.
Christon Fisher

Mr. Fisher met with the Board to review his application for the reinstatement of his burglar alarm agent license. Mr. Fisher had answered "Yes" to questions #13 and #15 on the Qualifying Questionnaire regarding ever having been arrested for, charged with, pled guilty to, no contest to, or been convicted of a Misdemeanor.

Documents received from the Riverside, California Court show he was charged with Driving Under the Influence on September 3, 2002 for which he was found guilty. The Board asked him to explain the circumstances of the charge, which he did. He stated he was placed on court probation for 36 months on April 10, 2003, and has completed an alcohol counseling class. He is currently employed by Armed Alert.

A motion was made by Mr. Love and seconded by Mr. Astin to approve him for temporary license now and full licensure if no further criminal charges in the criminal report from FBI. The motion carried unanimously.

10:30 P.M.
Kevin Stegman

Mr. Stegman met with the Board for his first probation interview. Mr. Ormond reviewed some of the conditions of the MOU with him. He stated he is currently working for Armed Alert. He asked if it was double jeopardy to be drug tested by the court and the Division. Mr. Ormond said the drug testing through the court was a criminal procedure and this is an administrative procedure. Mr. Stegman also stated he had completed an alcohol counseling class.

Mr. Stegman was then taken to Susan Higgs, Probation Coordinator, to review the terms and conditions of his MOU. He will be scheduled to meet with the Board again at the January 5, 2005 board meeting.

10:30 A.M.
Antonio Gallegos

Mr. Gallegos did not sign his MOU or meet with the Board for his first probation interview. Therefore, he is automatically denied for licensure as a burglar alarm agent

10:40 A.M.
Michael Patterson

Mr. Patterson met with the Board to review his application for the renewal of his burglar alarm agent license. On the renewal form Mr. Patterson had certified by his signature that he had not been convicted of, pled not contest to, or had a plea held in abeyance since the last renewal of his license.

Documents obtained from the West Jordan Police Department and the West Jordan Court show he was charged with Driving Under the Influence on January 18, 2003, which was later reduced to Reckless-Alcohol/Drug for which he was found guilty. He explained the circumstances of the charge and that he had completed an alcohol counseling classes.

A motion was made by Mr. Weight and seconded by Mr. Love to approve the renewal of his license. The motion carried unanimously.

10:50 A.M.
Cadena Inc,
QA: Pascual Cadena

An application for licensure as a burglar alarm company, with Mr. Cadena as the qualifying agent, was reviewed by the Board. The Board determined that Mr. Cadena's experience meets the requirements of the statute.

A motion was made by Mr. Weight and seconded by Mr. Love to approve him to be the qualifying agent for this company. The company application is complete and the company license can be approved also. The motion carried unanimously

11:00 A.M.
Security Systems Inc,
QA: Matthew Mellor

An application for licensure as a burglar alarm company, with Mr. Mellor as the qualifying agent, was reviewed by the Board. Mr. Weight recused himself due to the fact he is related to Mr. Mellor.

Mr. Mellor stated he is also the owner and qualifying agent for Signature Alert. The Board reviewed the statute about the possibility of a conflict of interest for him to be the qualifying agent for these two companies. Mr. Mellor stated the two companies will not be doing business in the same areas. The Board expressed their concern about the potential of a customer not receiving a competitive bid if

Security Systems Inc. Apt (cont)
They

both of these companies were to bid for the same job.

suggested that another qualifying agent be obtained, due to the potential conflict of interest.

Mr. Mellor then informed the Board that this company is a dba of Signature Alert. Upon learning this, he was informed by the Board and Mr. Ormond that it isn't necessary to apply for approval to be the qualifying agent for Security Systems since it is a dba. Mr. Mellor stated he had been informed by someone that it was necessary. Mr. Ormond stated the Division would refund his money.

11:10 A.M
Security Signal Devices,
application
QA: John Affeld

Mr. Affeld did not keep his appointment to meet with the Board. The Board reviewed the company's

to change the qualifying agent from Bruce James to Mr. Affeld. The Board determined that Mr. Affeld's experience meets the requirements of the statute. A motion was made by Mr. Weight and seconded by Mr. Love to approve him as the new qualifying agent for this company. The motion carried unanimously.

11:20 A.M
S & S Security Systems,
QA: Rodney Garner

An application for licensure as a burglar alarm company, with Mr. Garner as the qualifying agent, was reviewed by the Board. He stated he is also the owner, president and qualifying agent of Mountain Alarm. There will not be a conflict of interest because Mountain Alarm only installs and this company will only be the monitoring company for wholesale companies. Mr. Garner was formerly the qualifying agent for Security Associates International, until December 31, 2003.

The Board determined that Mr. Garner's work experience meets the requirements of the statute. A motion was made by Mr. Astin and seconded by Mr. Love to approve Mr. Garner as the qualifying agent for this company. The company application is complete and the company license can be issued. The motion carried unanimously.

11:40 A.M.
Kevin Moore Electric,
QA: Kevin Moore

An application for licensure as a burglar alarm company, with Mr. Moore as the qualifying agent, was reviewed by the Board. He submitted documentation of passing both required exams. Mr. Moore's work experience is from several years ago but the Board found it acceptable to meet the requirements of the statute.

A motion was made by Mr. Astin and seconded by Mr.

Hixonbaugh to approve him to be the qualifying agent for

Kevin Moore Electric Apt (cont)
report from

this company contingent upon a clear criminal

the FBI for Mr. Moore. He isn't currently licensed as a burglar alarm agent. The company license can be approved upon receipt of the FBI report for Mr. Moore. The motion carried unanimously.

11:50 A.M.
Menke Enterprises dba Zions Security,
QA: Jacob Menke

The Board reviewed an application to change the company's qualifying agent to Mr. Menke. He brought his resume and "Verification of Qualifying Experience" form with him. However, the Board noted Mr. Menke had signed the form. The Board stated someone other than himself must sign it. Mr. Menke replied that since two of the companies were out of business it would be difficult to have them verify his experience. The Board then suggested he could either have his CPA sign off that he has been in business for several years or a dealer he has worked with. Mr. Menke stated he would have his dealer, James Dunn, fax the experience form.

A motion was made by Mr. Weight and seconded by Mr. Astin to approve Mr. Menke to be the qualifying agent for this company contingent upon receipt of the "Verification of Qualifying Experience" form that verifies his experience accurately and documentation showing he has passed the Burglar Alarm company Qualifying Agent exam and the Burglar Alarm Utah Law & Rules exam. The motion carried unanimously.

12:00 P.M.
Security Co. Inc.,
QA: William La Rochelle IV

An application for licensure as a burglar alarm company, with Mr. La Rochelle as the qualifying agent, was reviewed by the Board. He was formerly the qualifying agent for Honeywell before Security Co. bought them. The Board determined his experience meets the requirements of the statute.

A motion was made by Mr. Love and seconded by Mr. Weight to approve Mr. La Rochelle as the qualifying agent for this company, contingent upon receipt of a passing score on the Utah Law & Rules exam. The company license can be approved upon receipt of a clear criminal report from the FBI for all corporate officers. The motion carried unanimously.

12:10 P.M.
Hamilton Pacific,
QA: Randy Pendley

An application for licensure as a burglar alarm company, with Mr. Pendley as the qualifying agent, was reviewed by the Board. Cliff Wilcox, manager of Hamilton Pacific, accompanied Mr. Pendley. The Board noted that Mr.

Hamilton Pacific Apt (cont)

Pendley was formerly the qualifying agent for Plexicor and Montech Holding Co.

The Board determined that Mr. Pendley's experience meets the requirements of the statute. A motion was made by Mr. Love and seconded by Mr. Astin to approve him to be the qualifying agent for this company. The company license can be approved contingent upon a clear criminal report from the FBI for Dennis Hamm and Alan Trekerlek. The motion carried unanimously.

12:10 P.M
Security Consulting & Contracting,
QA: Robert Ellis

An application for licensure as a burglar alarm company, with Mr. Ellis as the QA for this company. Mr. Ellis was formerly the QA for Future Tech and Homeland Security. The Board noted that Mr. Ellis had charges for Assault, Misdemeanor B, on June 11, 1993, later dismissed; and Violation of Protective Order on February 21, 1999, which was dismissed. Mr. Ellis had answered "No" on each company application regarding ever having any criminal charges. When the Board asked him about this, he stated the charges had been expunged and thought this had all been taken care of and was behind him. Mr. Ormond stated if the charges had been expunged then it was correct for him to answer "No" on the applications regarding them.

The Board determined his experience does meet the requirements of the statute. A motion was made by Mr. Astin and seconded by Mr. Hixenbaugh to approve him to be the qualifying agent for this company. The company license can be approved contingent upon receipt of the insurance certificate. The motion carried unanimously.

HEARING/DISCIPLINARY:

1:00 A.M. – Michael Oman Hearing

DISCUSSION ITEMS:

Exterior Exam Report

Copies of this pass/fail rate report were given to each board member for review.

Procedure for informing applicant

Mr. Spotten inquired about the procedure for informing an applicant, who has met with them regarding their application, that the Board will take it under advisement and will notify them later in writing of their decision.

Mr. Jackson informed them that unless they have a reason to go to a closed meeting they have to allow the person to

be involved in the discussion about them. Criminal issues about the person, based upon police reports and court docs, are public information and can be disclosed in a public meeting. However, to discuss the person's character is a valid reason to go to a closed meeting.

Mr. Weight asked what the procedure is for the Board in dealing with an applicant who becomes hostile about the Board's decision. Mr. Jackson stated that no one likes to deal with those type of situations, but it isn't a reason to go to a closed session. We do have the ability to call the building security to have the person removed.

Mr. Ormond then spoke about letters that are sent to applicants who are denied and their appeal rights. He also explained the procedures for the different types of hearings that are available to the applicant.

NEXT MEETING:

November 3, 2004

DATE APPROVED

CHAIRPERSON, BURGLAR
ALARM BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING